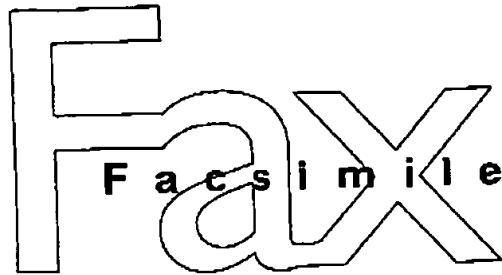


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ATTENTION OF CATHERINE S. WILLIAMS

TELEPHONE NUMBER 703.308.3552

FROM MARK S. LEONARDO

DIRECT DIAL 617.856.8145

C/M/A # 20518/62/2089

MESSAGE COURTESY COPY of Petition to Claim Benefit under 35 U.S.C. 120 of prior filed Applications (37 C.F.R. 1.78(a)(3)) for Application No. 10/016,276.

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PATENT

Attorney Docket No.: 20518/62 (S-8492)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Barrus et al.

EXAMINER: Catherine Williams

SERIAL NO.: 10/016,276

GROUP: 3763

FILED: December 6, 2001

CONFIRMATION NO.: 4052

FOR: *Safety Shield for Medical Needles*

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Michelle A. Aiello Date: 11-9-2004
Michelle A. Aiello

PETITION TO CLAIM BENEFIT UNDER 35 U.S.C. 120

OF PRIOR FILED APPLICATIONS

(37 C.F.R. 1.78(a)(3))

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Applicant hereby petitions, in accordance with § 1.78(a)(3) to claim the benefit for the above referenced application under 35 U.S.C. 120 of prior applications (as presented in an Amendment dated May 11, 2004 in the above referenced application, copy enclosed):

Application No. 10/016,276
Filed: December 6, 2001
Group Art Unit: 3763
Page 2

CROSS-REFERENCE TO RELATED APPLICATIONS

This patent application is a continuation-in-part of U.S. Utility Patent Application Serial No. 09/892,593, filed in the USPTO on June 27, 2001 by Ferguson et al., which is a continuation-in-part of U.S. Utility Patent Application Serial No. 09/433,449, filed November 4, 1999, U.S. Utility Patent Application Serial No. 09/434,036, filed November 4, 1999, and U.S. Utility Patent Application Serial No. 09/619,190, filed July 19, 2000, which claims benefit of U.S. Provisional Application Serial No. 60/254,506 filed in the USPTO on December 8, 2000 by Thorne et al., U.S. Provisional Application Serial No. 60/275,810, filed on March 14, 2001, U.S. Provisional Application Serial No. 60/275,886, filed March 14, 2001 and U.S. Provisional Application Serial No. 60/296,968 filed in the USPTO on June 8, 2001 by Barrus et al., the entire contents of each of these applications being hereby incorporated by reference herein.

2. Applicant states that the entire delay between the date the claim for the benefit of the earlier applications was due under paragraph (a)(2) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

Application No. 10/016,276
Filed: December 6, 2001
Group Art Unit: 3763
Page 3

3. The surcharge fee set forth in § 1.17(t), required by 37 C.F.R. 1.78(a)(3)(ii), is paid as follows:

- Attached is a check money order in the amount of \$ 00
 Authorization is hereby made to charge the amount of \$1,370.00
 to Deposit Account No. 500369
 to Credit card as shown on the attached credit card information authorization form PTO-2038
 Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Respectfully submitted,

Dated: Nov. 9, 2004

By:


Mark S. Leonardo, Reg. No. 41,433
Attorney for Applicants
Customer No. 21710
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